

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NYIA HARRIS,

Plaintiff,

v.

GLEN L WOOD,
ASCHENBRENNER TRUCKING
INC. AND NATIONAL CASUALTY
COMPANY,

Defendants.

CIVIL ACTION FILE NO.:

PETITION FOR REMOVAL

COME NOW defendants, Glen L Wood, Aschenbrenner Trucking Inc. and National Casualty Company (“defendants” or “these defendants”), by and through counsel, and by way of special appearance, without waiving but specifically reserving all jurisdictional defenses available to them, hereby file this Petition for Removal of the above-styled action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

1.

Plaintiff initiated this action in the State Court of Gwinnett County, Georgia, where it was styled *Nyia Harris v. Glen L. Wood, Aschenbrenner Trucking, Inc. and National Casualty Company*, Civil Action Number 23-C-03873-S1 (Exhibit A, all State Court processes, pleadings and orders).

2.

In her complaint, plaintiff has alleged that the amount in controversy in this case exceeds \$75,000, exclusive of interest and costs, thereby satisfying the amount in controversy for federal court jurisdiction under 28 U.S.C. § 1332(a). (Plaintiff's complaint, page 12, paragraph 58).

3.

Defendant Glen L. Wood was purportedly served on July 5, 2023. As such, this petition is timely. *See* 28 U.S.C. § 1446(b)(3).

4.

Plaintiff is a citizen of Georgia. (Plaintiff's complaint, page 3, paragraph 6). Plaintiff resides within one or more of the counties comprising the Atlanta Division of the Northern District of Georgia. (Exhibit B, Motor Vehicle Accident Report of the subject accident, showing plaintiff's county of residence).

5.

Defendant Glen L. Wood lives at 18258 Lemon Trail, Unionville, Putnam County, Missouri and is a citizen of the state of Missouri. (Exhibit C, Plaintiff's purported affidavit of service on defendant Glen L. Wood; plaintiff's complaint, page 2, paragraph 3).

6.

Aschenbrenner Trucking Inc. is a foreign limited liability company registered in the State of Iowa, with its principal place of business located at 203 South Harrison Street, Fremont, Iowa 52561. Aschenbrenner Trucking Inc. is therefore a citizen of the state of Iowa.

7.

Defendant National Casualty Company is foreign insurance company incorporated in Arizona, with a principal place of business located at 8877 North Gainey Center Drive, Scottsdale, Arizona, 85258 and is therefore a citizen of Arizona.

8.

There is complete diversity of citizenship between plaintiff and all defendants.

9.

All named defendants have consented in the removal to federal court.

10.

Because this action was brought in the State Court of Gwinnett County, it is properly removed to the Atlanta Division of the United States District Court for the Northern District of Georgia, pursuant to 28 U.S.C. §§ 1441(a) and 1446.

11.

These defendants filed with the Clerk of Court for the State Court of Gwinnett County a Notice of Filing Petition for Removal pursuant to 28 U.S.C. § 1446(d), attached hereto as Exhibit D.

WHEREFORE, these defendants request that this Court allow the removal of this action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted this 4th day of August 2023.

FREEMAN MATHIS & GARY, LLP

/s/ Marc H. Bardack

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LR 7.1(D) CERTIFICATE OF FONT COMPLIANCE

The undersigned counsel certifies that this document was prepared using Times New Roman 14-point font.

Respectfully submitted, this 4th day of August, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August 2023, I electronically filed **PETITION FOR REMOVAL** with the Clerk of the Court using the CM/ECF system which will automatically send notification of such filing to the following attorneys of record:

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